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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,605	12/31/2003	James H. Watt	RPI-123US	1521
23122	7590	09/18/2007		
RATNERPRESTIA P O BOX 980 VALLEY FORGE, PA 19482-0980			EXAMINER WON, MICHAEL YOUNG	
			ART UNIT 2155	PAPER NUMBER
			MAIL DATE 09/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/750,605

Applicant(s)

WATT, JAMES H.

Examiner

Michael Y. Won

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 10-12, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-12, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/31/2003</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is in response to Election/Restriction requirement filed August 9, 2007.
2. Applicant's election without traverse of Group III, claims 10-12, 22 and 23, in the reply filed on August 9, 2007 is acknowledged.
3. Claims 1-9, 13-21, and 24-41 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected Group 1 and Group II.
4. Claims 10-12, 22, and 23 have been examined and are pending with this action.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "the message" in steps (a) (b). There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al. (US 6,006,227) in view of Laves (US 6,879,996).

As per **claim 10**, Freeman teaches a method of modifying a chronological order of audio/video messages and messages-related information stored in a server with an audio/video message and information related to the audio/video message stored in a workstation, the message-related information stored in the workstation having information fields to implement chronological order organization, the method comprising the steps of:

(a) transferring from the workstation to the server a copy of the message, the message-related information, and the fields stored in the workstation (see col.2, lines 64-66: "means for receiving one or more of the data units, each of which is associated with one or more chronological indicators");

(b) storing in the server the message, the message-related information, and the fields transferred in step (a) (see col.4, lines 8-10: "every document send to a person or entity is stored in a main stream"); and

(c) identifying in the workstation a first value of a first field and a second value of a second field (see col.4, lines 44-45: "the document is identified by a time indication so no name is required").

Freeman does not explicitly teach the steps of: (d) setting a value of a field stored in step (b) responsive to the first value identified in step (c); and (e) setting a value of another field stored in step (b) responsive to the second value identified in step (c).

Laves teaches the steps of: (d) setting a value of a field stored in step (b) responsive to the first value identified in step (c); and (e) setting a value of another field stored in step (b) responsive to the second value identified in step (c) (see col.2, lines 30-34: "archiving data including the primary data filed and the subordinate data filed at a host during a synchronization session").

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Freeman in view of Laves by implementing (d) setting a value of a field stored in step (b) responsive to the first value identified in step (c); and (e) setting a value of another field stored in step (b) responsive to the second value identified in step (c). One would be motivated to do so because Freeman teaches that the server stores all main streams and provides the streams to users (see col.6, lines 8-14) and further teaches of archiving the data (see col.2, lines 35-36).

As per **claim 11**, which depends on claim 10, Freeman further teaches wherein the audio/video message and related information stored in the workstation includes a second message with second-message-related information and a third message with third-message-related information (see col.2, lines 64-66: "one or more of the data units,

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each of which is associated with one or more chronological indicators"), the audio/video messages and related information stored in the server includes a copy of the second message, a copy of the second-message-related information, a copy of the third message, and a copy of the third-message-related information (see col.6, lines 9-12: "storing all main stream").

Freeman does not explicitly teach step (d) includes setting the first value as the second message with second-message-related information; and step (e) includes setting the second value as the third message with third-message-related information.

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The setting of value in the server with respect to the message during archiving will occur regardless of the data. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to (d) and (e), include setting the any value as any message with any message-related information because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

As per **claim 12**, which depends on claim 11, Freeman further teaches wherein each of the messages-related information in the server contains a description field with

text, and the message-related information stored in step (b) has a description field with text, the method further comprising the steps of displaying the text in the server description fields and the text in the description field stored in step (b) (see col.11, lines 13-15).

7. Claims 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freeman et al. (US 6,006,227).

As per **claim 22**, Freeman teaches a method of modifying a sequence of audio/video messages stored in a workstation, the sequence including a first audio/video message having a first set of fields and a second audio/video message having a second set of fields, the second audio/video message and second set of fields being created later than the first audio/video message and the first set of fields, the method comprising the steps of:

(a) locating the first set of fields earlier than the second set of fields to place the first message earlier than the second message in the sequence (see Fig.1 and col.3, lines 62-65: "time-ordered stream as a storage model and stream filters to organize, locate");

(b) creating a third set of fields for a third audio/video message (see col.4, lines 8-12); and

(d) recording a third audio/video message at the workstation associated with the third set of fields (see col.4, lines 8-12).

Freeman does not teach (c) locating the third set of fields between the first and second sets of fields to place the third audio/video message after the first audio/video message and earlier than the second audio/video message.

However these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. The locating of fields to place any audio/video message will occur regardless of the data. Thus this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to (c) locate the any set of fields between any other sets of fields to place any audio/video message because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

As per **claim 23**, which depends on claim 22, Freeman teaches further comprising the step of storing the third audio-video message at the workstation (see col.4, lines 8-12).

### **Conclusion**

8. For the reasons above claims 10-12, 22, and 23 have been rejected and remain pending.



9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Won/

Primary Examiner

September 10, 2007